

**TAB 24**

Page 1

NO. GV3-03079

THE STATE OF TEXAS ) IN THE DISTRICT COURT  
                      )  
ex rel.             )  
    VEN-A-CARE OF THE     )  
    FLORIDA KEYS, INC.,     )  
    Plaintiff(s),         )  
                      )  
VS.                 ) TRAVIS COUNTY, TEXAS  
                      )  
ROXANE LABORATORIES, INC.,     )  
BOEHRINGER INGELHEIM     )  
PHARMACEUTICALS, INC., BEN     )  
VENUE LABORATORIES, INC. and )  
BOEHRINGER INGELHEIM     )  
CORPORATION,         )  
Defendant(s).         ) 201ST JUDICIAL DISTRICT

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ORAL AND VIDEOTAPED DEPOSITION OF  
HERMANN TETZNER  
October 19, 2004

(CONFIDENTIAL - ATTORNEYS' EYES ONLY)

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ORAL AND VIDEOTAPED DEPOSITION OF HERMANN TETZNER,  
produced as a witness at the instance of the  
Plaintiff(s), and duly sworn, was taken in the  
above-styled and numbered cause on the 19th of  
October, 2004, from 8:29 a.m. to 4:01 p.m., before  
CYNTHIA VOHLKEN, CSR in and for the State of Texas,  
reported by machine shorthand, at The Ethan Allen Inn,  
21 Lake Avenue Extension, Danbury, Connecticut,  
pursuant to the Texas Rules of Civil Procedure and the  
provisions attached hereto.

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<p style="text-align: right;">Page 62</p> <p>1 A. Yes.      2 Q. Okay. Now, I see that Ms. Bartels -- Ursula      3 Bartels is on here as the secretary in April of 2004.      4 Do you see that?      5 A. Uh-huh. Yeah.      6 Q. Now, she's the one that's the general -- was      7 the general counsel?      8 A. Yeah.      9 Q. Do you know why she left?      10 A. I don't know.      11 Q. Do you know where she went?      12 A. Yes.      13 Q. Where?      14 A. To Chiron in San Francisco.      15 Q. Chiron in San Francisco, the manufacturer of      16 vaccines?      17 A. Yeah.      18 Q. The English company that we've been hearing      19 so much about in the newspapers?      20 A. I think there are relations. I don't know      21 that.      22 Q. Okay. And is she the general counsel at      23 Chiron now?      24 A. Yes.      25 Q. Who is Walter Poerschmann?</p>	<p style="text-align: right;">Page 64</p> <p>1 worldwide?      2 A. Yeah. And that's why we have this project      3 here to do.      4 Q. Okay. Now, the project, is it primarily      5 directed at Roxane, separating the two functions at      6 Roxane, or -- or is it also necessary to separate the      7 marketing and sales -- marketing and manufacturing      8 processes at BIPI, also?      9 A. It is separated.      10 Q. Already separated. How about BIC?      11 A. BIC is the holding company in the U.S.      12 Q. But BIC also has had a vice president for      13 sales and marketing for many years, correct? So what      14 did the --      15 A. Yeah.      16 Q. What does the vice president of sales and      17 marketing or the holding company do?      18 A. I can't judge that because that was before my      19 time.      20 Q. Okay. So when you got here in -- in July of      21 2003, were you informed about the lawsuits against      22 Roxane and various other Boehringer companies --      23 A. What do you mean by were I informed?      24 Q. Well, let me get my question and then -- and      25 then I'll clarify it. Were you informed about</p>
<p style="text-align: right;">Page 63</p> <p>1 A. Walter Poerschmann is heading in the      2 Ingelheim the department or the division, excuse me,      3 Americus it's called within the prescription medicine      4 business.      5 Q. So he lives in Germany?      6 A. He lives in Germany.      7 Q. But he's on the board of the U.S. operations?      8 A. Right.      9 Q. So whenever there is a board meeting, does he      10 travel from Germany --      11 A. Yes.      12 Q. -- to the board meeting here --      13 A. Yes.      14 Q. -- in the United States? Okay. Now, he      15 is -- do you know what job he has in Ingelheim?      16 A. Yeah. Division Americus.      17 Q. Division Americus. And is that a      18 manufacturing --      19 A. No.      20 Q. -- job or a marketing --      21 A. Marketing and sales only prescription      22 medicines.      23 Q. Okay. Now, this separation of the marketing      24 and sales function from the manufacturing function, is      25 that consistent with the way Boehringer does business</p>	<p style="text-align: right;">Page 65</p> <p>1 lawsuits against Roxane and other Boehringer U.S.      2 companies relating to their reports of pricing      3 information used for government reimbursement      4 purposes?      5 A. I heard about those cases.      6 Q. And how did you hear about them?      7 A. It was reported about --      8 Q. Who --      9 A. -- but not specially to me.      10 Q. Okay. Who was it reported to?      11 A. It was reported to the management committee.      12 Q. Of the board?      13 A. The management committee.      14 Q. And you're on the management committee,      15 right?      16 A. Yeah.      17 Q. Okay. And who made the report?      18 A. The general counsel.      19 Q. Ms. Bartels?      20 A. Yes.      21 Q. And did you hear about that soon after      22 arriving in your current position in July of 2003?      23 A. We had frequent regular reports that is part      24 of our management that we -- as I report about      25 financials regularly, also, about litigations or</p>

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